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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/359,566	07/22/1999	YOSHIROU YAMAZAKI	1110-0247P	2983

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EXAMINER
MITCHELL, MONICA J

ART UNIT	PAPER NUMBER
2622	

DATE MAILED: 12/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/359,566	Applicant(s) YAMAZAKI, YOSHIROU	
	Examiner Monica J. Mitchell	Art Unit 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-14* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-14* is/are rejected.

7)☒ Claim(s) *2* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Objections

1. Claim 2 is objected to because of the following informalities: In line 3 of claim 2, the word, "is" should be changed to "in". Appropriate correction is required.

Claim Rejections - 35 USC § 102

> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-9 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Kodaira et al. (U.S. Patent Number 6,233,059).

Regarding claim 1, Kodaira discloses an image reading method, comprising the steps of: reading photoelectrically (Figure 1, reference element 1; a scanner) an original image with an image sensor by separating it into three primary colors (column 21, lines 4-6) and converting image signals of the three primary colors outputted from the image sensor into digital signals (column 21, lines 6-11), wherein light quantity of light which is incident on said image sensor is balanced with every color in accordance

with an original type (column 20, lines 62-64; if quantity of light is being adjusted it is inherently taught that each color is being balanced to be as close to the original as possible.).

Regarding claim 2, Kodaira discloses the image reading method, wherein balancing said light quantity with every color is formed by changing an optical balance is an optical system form a light source to the image sensor including an original (column 9, line 55 to column 10 line 2).

Regarding claim 3, Kodaira discloses the image reading method, wherein said original type includes at least a color negative film and a color reversal film (column 5, lines 7-45).

Regarding claim 4, Kodaira discloses an image reading apparatus comprising: an image sensor (Figure 28, reference element 407) which separates into three primary colors light bearing an image of an original and photoelectrically reads said light (column 21, lines 4-6), an original type acquiring means (Figure 4, reference element K1 and K2) for detecting or setting an original type of said original (column 9, lines 21-28) and said light quantity balance adjusting means (Figure 28, reference element 402) for catching with every color a balance of light quantity of said light that is incident on said image sensor (column 20, line 62 to column 21, line 18) in accordance with the original type obtained by said original type acquiring means (column 20, lines 21-25).

Regarding claim 5, Kodaira discloses the image reading apparatus, wherein said light quantity balance adjusting means changes an optical balance in an optical system

from a light source to the image sensor including said original (column 9, line 55 to column 10, line 2).

Regarding claim 6, Kodaira discloses the image reading apparatus, wherein said light quantity balance adjusting means changes the optical balance in an optical system from the light source to the image sensor including said original (column 9, line 55 to column 10, line 2) and decreases color mixing in the three primary colors (column 9, lines 26-28; switching filters decrease the mixing of colors.).

Regarding claim 7, Kodaira discloses the image reading apparatus, wherein said light quantity balance adjusting means includes an optical filter (column 21, lines 38-45; these elements, including the filter, work together to adjust the quantity of light.).

Regarding claim 8, Kodaira discloses the image reading apparatus, wherein said original type includes at least a color negative film and color reversal film (column 5, lines 7-45).

Regarding claim 9, Kodaira discloses the image reading apparatus, wherein said light quantity balance adjusting means will not operate in a reference type of the original (column 21, line 62 to column 22, line 6).

Regarding claim 14, Kodaira discloses the image reading apparatus, wherein said peak value changing means of said spectral sensitivity distribution will not operate in a reference type of the original (column 22, lines 24-37).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kodaira (U.S. Patent Number 6,233,059), and further in view of Imoto (U.S. Patent 5,264,948).

Regarding claim 10, Kodaira fails to disclose the image reading apparatus further comprising: spectral sensitivity changing means for changing a spectral sensitivity distribution of said light in accordance with the original type after the balance of the light quality is adjusted with every color, as well as said respective means.

However, Imoto discloses the image reading apparatus further comprising: spectral sensitivity changing means (Figure 33, reference element 231) for changing a spectral sensitivity distribution of said light in accordance with the original type after the balance of the light quality is adjusted with every color, as well as said respective means (column 51, line 56 to column 52, line 11).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the inventions were made to include the teachings of Imoto with the teachings of Kodaira to allow various types of processing to be easily performed and therefore provide color copies of high quality.

Regarding claim 11, Kodaira fails to disclose the image reading apparatus, wherein said spectral sensitivity changing means is peak value changing means of said spectral sensitivity distribution in accordance with the original type.

However, Imoto discloses the image reading apparatus, wherein said spectral sensitivity changing means is peak value changing means of said spectral sensitivity distribution (column 54, lines 4-39) in accordance with the original type (column 54, lines 52-57).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the inventions were made to include the teachings of Imoto with the teachings of Kodaira to allow various types of processing to be easily performed and therefore provide color copies of high quality.

Regarding claim 12, Kodaira fails to disclose the image reading apparatus, wherein peak values changing means of said spectral sensitivity distribution changes a peak value of the spectral sensitivity distribution in an optical system from a light source to the image sensor including said original.

However, Imoto discloses the image reading apparatus, wherein peak values changing means of said spectral sensitivity distribution changes a peak value of the spectral sensitivity distribution in an optical system from a light source to the image sensor including said original (column 54, lines 4-39).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the inventions were made to include the teachings of Imoto with the teachings

of Kodaira to allow various types of processing to be easily performed and therefore provide color copies of high quality.

Regarding claim 13, Kodaira fails to disclose the image reading apparatus, wherein said light quantity balance adjusting means and said peak value changing means of said spectral sensitivity distribution are integrated into a single optical unit.

However Imoto discloses the image reading apparatus, wherein said light quantity balance adjusting means (column 1, lines 35-42; exposure lamp adjust its intensity to read out optical image) and said peak value changing means (column 53, lines 25-29; reference element 231) of said spectral sensitivity distribution are integrated into a single optical unit (column 4, lines 49-57).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the inventions were made to include the teachings of Imoto with the teachings of Kodaira to allow various types of processing to be easily performed and therefore provide color copies of high quality.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monica J. Mitchell whose telephone number is 703-306-3430. The examiner can normally be reached on Mon.-Fri. from 7:30 a.m. to 4:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on 703-305-4712. The fax phone numbers

for the organization where this application or proceeding is assigned are 703-746-3455 for regular communications and 703-746-3455 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4750.

mjm
November 27, 2002

EDWARD COLES
SUPERVISORY PATENT EXAMINER
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